37 P.

MONTANA LEGISLATIVE HISTORY

Chapter 192 1989

Bill H_____ S_____ Original bill & history ✓ C

H. Committee on Agriculture			S. Committee on Agriculture		
Hearing Date(s)	3-3	C	Hearing Date(s)	2-6	C
		C			C
		C			C
		C		⇒	C
Date Out	3-3	C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SB 232 INTRODUCED BY KEATING, ET AL.
ACKNOWLEDGE NOTARIAL ACTS PERFORMED IN MONTANA BY NONRESIDENT NOTARY PUBLIC

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/30	HEARING		
2/03	COMMITTEE REPORT--BILL PASSED		
2/07	2ND READING PASSED	50	0
2/09	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/08	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED	85	3
3/13	3RD READING CONCURRED	89	6
	RETURNED TO SENATE		
3/17	SIGNED BY PRESIDENT		
3/17	SIGNED BY SPEAKER		
3/18	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 242 EFFECTIVE DATE: 10/01/89		

SB 233 INTRODUCED BY MANNING, ET AL.
AUTHORIZE MULE RACING

1/25	INTRODUCED		
1/25	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/26	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/06	HEARING		
2/07	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	50	0
2/11	3RD READING PASSED	46	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/03	HEARING		
3/04	COMMITTEE REPORT--BILL CONCURRED		
3/07	2ND READING CONCURRED	74	16
3/08	3RD READING CONCURRED	73	20
	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 192 EFFECTIVE DATE: 3/20/89		

SB 234 INTRODUCED BY BOYLAN
DEFINE "TIPPED EMPLOYEE" IN THE MINIMUM WAGE LAWS

1/25	INTRODUCED		
1/25	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/31	HEARING		
2/08	COMMITTEE REPORT--BILL NOT PASSED		
2/08	ADVERSE COMMITTEE REPORT ADOPTED	47	0

SENATE BILL NO. 233

INTRODUCED BY MANNING, GRADY

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1989	PRINTING REPORT.
FEBRUARY 9, 1989	SECOND READING, DO PASS.
FEBRUARY 10, 1989	ENGROSSING REPORT.
FEBRUARY 11, 1989	THIRD READING, PASSED. AYES, 46; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 8, 1989	THIRD READING, CONCURRED IN. AYES, 73; NOES, 20.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 9, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 233

INTRODUCED BY Richard E. Manning Brady

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PARIMUTUEL BETTING ON MULE RACES; PROVIDING FOR REGULATION OF MULE RACES BY THE BOARD OF HORSERACING; AMENDING SECTIONS 23-4-101, 23-4-104 THROUGH 23-4-106, AND 23-4-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-4-101, MCA, is amended to read:

"**23-4-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of horseracing provided for in 2-15-1881.

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(3) "Immediate family" means the spouse, parents, children, grandchildren, brothers, or sisters of an official or licensee regulated by this chapter and all other persons who have a permanent or continuous residence in the household of the official or licensee.

(4) "Minor" means a person under 18 years of age.

(5) "Persons" means individuals, firms, corporations, fair boards, and associations.

(6) "Race meet" means racing of registered horses or mules where the parimutuel system of wagering is used.

(7) "Steward" means an official hired by the department and by persons sponsoring a race meet to regulate and control the day-to-day conduct and operation of a sanctioned meet.

(8) "Board of stewards" means a board composed of three stewards who supervise ~~racing~~ race meets."

Section 2. Section 23-4-104, MCA, is amended to read:

"**23-4-104. Duties of board.** The board shall adopt rules to govern ~~horserace~~ race meets and the parimutuel system. These rules shall include the following:

(1) definitions;

(2) auditing;

(3) supervision of the parimutuel system;

(4) corrupt practices;

(5) supervision, duties, and responsibilities of the executive secretary, presiding steward, racing secretary, and other racing officials;

(6) licensing of all personnel who have anything to do with the substantive operation of racing;

(7) the establishment of dates for race meets and meetings in the best interests of breeding and racing in this state; ~~and~~

(8) the veterinary practices and standards which must

INTRODUCED BILL
SB 233

be observed in connection with race meets;

(9) absolute responsibility of trainers for the condition of horses and mules, regardless of the acts of third parties;

(10) licensing or renewal of a license of a person whose license has been suspended by the board or another horseracing jurisdiction; and

(11) setting license fees commensurate with the cost of issuing a license."

Section 3. Section 23-4-105, MCA, is amended to read:

"**23-4-105. Authority of board.** The board shall, subject to 37-1-101 and 37-1-121, license and regulate ~~horseracing~~ racing and review race meets held in this state under this chapter. If the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

Section 4. Section 23-4-106, MCA, is amended to read:

"**23-4-106. Executive secretary -- powers and duties -- staff -- prohibition on racing activities.** (1) The department shall appoint an executive secretary for the board.

(2) The executive secretary, in accordance with rules adopted by the board and provisions of this chapter, shall:

(a) supervise race meets and activities of racing officials;

(b) hire all state racing officials for the department;

(c) inspect race facilities; and

(d) perform other duties as directed by the board.

(3) The executive secretary may, subject to the approval of the board, hire staff to assist him in performing his duties.

(4) The executive secretary, a member of his staff, and any member of the executive secretary's or a staff member's immediate family are prohibited from owning, training, or having any interest in a racehorse or mule running on a Montana track or having any financial interest in any Montana racing association. No racing official hired by the department or approved by the board may wager at a ~~racing~~ race meet at which he presides."

Section 5. Section 23-4-304, MCA, is amended to read:

"**23-4-304. Gross receipts -- department's percentage -- collection and allocation.** (1) The licensee shall pay to the department 1% of the gross receipts of each day's parimutuel betting at each race meet. ~~, which sums~~ The 1% of gross receipts shall be paid to the department within 5 days

after receipt by the licensee. At the end of each race meet the licensee shall prepare a report to the department showing the amount of the overpayments and underpayments. If the report shows the underpayments to be in excess of the overpayments, the balance shall be paid to the department. Money paid to the department may be used for the expenses incurred in carrying out this chapter. The licensee shall, at the same time, pay to the department all sums collected under 23-4-202(4)(d) on exotic wagering on races.

(2) At the end of the racing season, sums collected under 23-4-202(4)(d) must be distributed by the department, after first passing through the board's agency fund account, to the licensed owners of those Montana-bred horses or mules finishing in the money at the meet from which the sums derived. The owner's award must be calculated as follows:

(a) divide the total amount collected under 23-4-202(4)(d) by the total amount won by Montana-bred horses or mules;

(b) multiply the quotient derived under subsection (2)(a) by the total amount of money won by each owner's Montana-bred horses or mules.

(3) For purposes of the owner's award under subsection (2), "owner" means the individual, partnership, corporation, person, or other entity that owns the horse or mule at the time of entry.

(4) Licensees may not consider the sums available under 23-4-202(4)(d) when establishing purses."

NEW SECTION. **Section 6.** **Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 7.** **Effective date.** [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB233, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB233 would authorize parimutuel betting on mule races and provide for regulation of mule races by the Board of Horseracing.

ASSUMPTIONS:

1. Because mule races will run in conjunction with existing races of Quarter horses and other breeds, the expenditures of the Board of Horseracing will remain at current level.
2. The board's share of the parimutuel handle is 1%.
3. Assume 20 mule races per year at an average handle of $7,000 per race for a total of $140,000 per year.
4. Assume 50 additional people with a $20 licensing fee will generate $1,000 additional licensing fees revenue for the board.

FISCAL IMPACT:	FY90			FY91		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Dept. of Commerce Board of Horseracing	No Impact					
Revenues:						
Licensing Fees	$ 60,000	$ 61,000	$1,000	$ 60,000	$ 61,000	$1,000
Parimutuel Fees	160,000	161,400	1,400	162,000	163,400	1,400
Violations	5,000	5,000	-0-	5,500	5,500	-0-
Photocopy & Misc.	500	500	-0-	500	500	-0-
Total	$225,500	$227,900	$2,400	$230,000	$232,400	$2,400

Ray Shackleford 1/31/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Richard E. Manning 1/31/88
RICHARD E. MANNING, PRIMARY SPONSOR DATE

Fiscal Note for SB233, as introduced

SB 233

CHAIRMAN--TOM BECK
SECRETARY-JAELENE JOHNSON
NORMAL SCHEDULE==> SITE: ROOM 413/415
COMMITTEE--(S) AGRICULTURE
DAYS: M,W,F TIME: 1:00 P.M.
OFFICE--ROOM 439

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL	REFER DATE	LATEST DATE/ACTION ON BILL	
SB 13	01/02	04/24--TABLED IN COMMITTEE	
	SPONSOR: WEEDING, CECIL	TITLE-INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING	
SB 28	01/02	03/08--(H) TABLED IN COMMITTEE	(H) AGRICULTURE, LIVESTOCK & IRRIG
	SPONSOR: MEYER, DARRYL	TITLE-CLARIFY DEFINITION OF VETERINARY MEDICINE	
SB 32	01/02	04/24--TABLED IN COMMITTEE	
	SPONSOR: JENKINS, LOREN	TITLE-PROVIDE DISTRIBUTION OF CONSERVATION RESERVE PROGRAM RENTAL PAYMENTS	
SB 32	01/12	04/24--TABLED IN COMMITTEE	
	SPONSOR: JENKINS, LOREN	TITLE-PROVIDE DISTRIBUTION OF CONSERVATION RESERVE PROGRAM RENTAL PAYMENTS	
SB 57	01/03	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/18/89
	SPONSOR: JENKINS, LOREN	TITLE-AMEND CUSTOM COMBINERS' TAX	
SB 81	01/07	03/22--(S) CHAPTER NUMBER 1/10 rereferred to Highways	EFFECTIVE DATE: 03/22/89
	SPONSOR: PINSONEAULT, DICK	TITLE-CONTINUE PROVISION PRECLUDING HIGHWAY RESTRICTIONS ON HAULING AGRI. SEEDS	
SB 111	01/~~13~~ 25	04/25--(S) SIGNED BY PRESIDENT	
	SPONSOR: BOYLAN, PAUL	TITLE-GENERALLY REVISE PRACTICE OF VETERINARY MEDICINE	
SB 111	02/13	04/25--(S) SIGNED BY PRESIDENT	
	SPONSOR: BOYLAN, PAUL	TITLE-GENERALLY REVISE PRACTICE OF VETERINARY MEDICINE	
SB 166	01/17	04/21--(S) CHAPTER NUMBER	EFFECTIVE DATE: 04/21/89
	SPONSOR: BENGTSON, ESTHER	TITLE-PROVIDES FOR ADMINISTRATION OF TEMPORARY PRELIMINARY AND PRELIMINARY DECREES	
SB 167	01/17	04/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 04/21/89
	SPONSOR: BENGTSON, ESTHER	TITLE-REOPENS WATER RIGHT DECREES FOR OBJECTIONS ON ISSUES NOT PREVIOUSLY RESOLVED	
SB 168	01/17	04/04--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: BENGTSON, ESTHER	TITLE-ALLOWS CORRECTION OF CLERICAL MISTAKES IN FINAL DECREES OF WATER RIGHTS	
SB 169	01/17	04/21--(S) CHAPTER NUMBER	EFFECTIVE DATE: 04/21/89
	SPONSOR: BENGTSON, ESTHER	TITLE-PROVIDES FOR TEMPORARY PRELIMINARY DECREES AND FOR OBJECTIONS ON THE DECREES	
SB 176	01/18	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: DEVLIN, GERRY	TITLE-IMPOSE $25 LATE PAYMENT PENALTY ON STATE AGRICULTURAL AND GRAZING LEASES	
SB 183	01/18	03/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/18/89
	SPONSOR: ABRAMS, HUBERT	TITLE-INCLUDES LITTLE MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS	
SB 213	01/21	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: HOFMAN, SAM	TITLE-INCREASING THE ALLOWABLE SEED OR GRAIN LIEN TO AMOUNT OF PURCHASE PRICE	
SB 222	01/25	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: TVEIT, LARRY	TITLE-PASSING OF TITLE TO CATTLE FROM AUCTION YARD	
SB 228	01/25	04/24--TABLED IN COMMITTEE	
	SPONSOR: HAGER, TOM	TITLE-KILLING DOGS THAT DESTROY OR MAIM POULTRY	
SB 233	01/25	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/20/89
	SPONSOR: MANNING, DICK	TITLE-AUTHORIZE MULE RACING	
SB 254	01/26	04/24--TABLED IN COMMITTEE	

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Tom Beck, on February 6, 1989, at 1:00 p.m.

ROLL CALL

Members Present: Senators: Hubert Abrams, Gary Aklestad, Esther Bengtson, Gerry Devlin, Jack Galt, Greg Jergeson, Gene Thayer and Chairman Tom Beck.

Members Excused: Senator Bob Williams

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 233

Presentation and Opening Statement by Sponsor: Senator Manning, District 18, indicated that an amendment has been proposed. See exhibit 1. Senator Manning's testimony. See exhibit 2.

List of Testifying Proponents and What Group They Represent:

Bob Noble representing himself
Donald Jacklin representing the American Mule Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:
Proponents:

Bob Noble-"That the existing horseracing in the state right now, in most of the cases this year mule racing would help increase not only the gate at each of these events but also the pay (or take?). This has been proven in all western states. The other aspect, I am in the business; I work for a ranch in western Montana that's in the business of raising mules. At any given time we will have 150, 200 head of mules per year come off of

this ranch and go out of state as racing prospects. We are very much interested in the racing aspect end of it. We have been involved in this for the past 6 years. At our ranch right now, we have 25 head of brood mares that are of thoroughbred or registered quarter horse breeding that we have been using as brood mares with the idea of developing the flat track mule. We've had a number of them (mules) place . I do not have a copy of the number of them that actually made money. There are racing mules coming out of our ranch.

The bill itself will help stimulate that type of industry in the state of Montana. There's approximately a half a dozen individuals right now in western Montana that raise, train, or race flat track mules right now out-of-state. We want to try and develope that in-state.

Donald Jacklin-See exhibit 5.

Questions From Committee Members: Senator Bengtson-"I'm wondering, are they faster than a horse? And what's so different watching a mule race than a horserace?" Donald Jacklin-"People don't believe mules can run; they can race. The percentages are different. For example, if you take a thoroughbred horse population, probably 60% of that thoroughbred horse population had the potential of being pretty good runners.

If you look at a population for example of mules, you're looking at 5% to maybe 8% of that total population that could be good runners. So a good running mule is obviously more difficult to get. Once you get them however, they're very fast. We have times that are very similar to what I call the medium times of quarter horses. We run the distances very similar to quarter horses. Our half mile plus 70 time was faster than the Arabian horserace time this last year. There are fewer fast mules than there are fast bred quarter horses.

Senator Thayer-"Is this the same language in terms of horse-racing?" Senator Manning-"That's true."

Senator Beck-"I notice in the bill it says registered horses or mules. I assume that means registered mules? Is there an association to register mules? Is that correct?" Donald Jacklin-"The American Mule Association that I'm representing today is the standard registry. The mules are registered and they also are

tattooed in the upper lip. There can be no

substitution whatsoever and it's a positive identification."

Senator Abrams-"To follow up on that registration. What is designated what is eligible for a racehorse?" Donald Jacklin-"Any mule who applies for registration can be registered provided the proper ownership criteria are met."

Closing by Sponsor: Senator Manning closed.

HEARING ON SENATE BILL 305

Presentation and Opening Statement by Sponsor: Senator Greg Jergeson, District 8, stated "This is the bill I offered in response to problems we had dealing with Senator Jenkins' Senate Bill 32. This bill applies to one very specific problem I think can be easily identified in respect to CRP contracts on state lands. Currently, if a person applies or exceeds the CRP contract on state lands, happens to be in the middle of a 10-year lease, he is at considerable risk. When that 10-year lease is up on his state land there will still be some years remaining on his CRP contract and somebody else can come in and bid that state lease away from him. They've had no investment in the seeding of CRP ground. Even if they only end up getting a very minimal amount of money out of bid, it would be worth their while and it would be to the deterrent to the farmer that may have farmed a particular piece of ground for a considerable amount of time.

This bill provides that if a farmer wants to take the risk, and there still is a certain level of risk involved, he would voluntarily give up his lease with the idea that it would be put in the CRP. If this procedure is carried through his state lease, the CRP contract would run concurrently so there would be no risk to that particular producer if he has worked through this program. I think this does answer one little problem and I think we can work with this."

List of Testifying Proponents and What Group They Represent:

Dennis Casey representing the Department of State Lands
John North representing the Department of State Lands
Ted Neuman representing himself
Randy Johnson representing the Montana Grain Growers Association
Kay Norenberg representing WIFE

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Jergeson moved to table SB 32. The motion carried unanimously.

DISPOSITION OF SENATE BILL 28

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Bengtson moved to table SB 28. The motion carried unanimously.

DISPOSITION OF SENATE BILL 305

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Jergeson moved SB 305 DO PASS; Senator Galt seconded the motion. The motion carried unanimously.

DISPOSITION OF SENATE BILL 233

Discussion: None

Amendments and Votes: Senator Bengtson moved the amendment. The motion carried.

Recommendation and Vote: Senator Bengtson moved SB 233 DO PASS AS AMENDED. The motion carried unanimously.

ADJOURNMENT

Adjournment At: 2:39 p.m.

Tom Beck

TOM BECK, Chairman

TB/jj

ROLL CALL

AGRICULTURE COMMITTEE

DATE 2/6/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HUBERT ABRAMS	✓		
SENATOR GARY AKLESTAD	✓		
SENATOR ESTHER BENGTSON	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR JACK GALT	✓		
SENATOR GREG JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS			✓
SENATOR TOM BECK	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration SB 233 (first reading copy -- white), respectfully report that SB 233 be amended and as so amended do pass:

1. Page 4, lines 24 and 25.
Following: "meet"
Strike: "."
Following: "~~sums~~"
Strike: "The 1% of gross receipts"
Insert: ", which sums"

AND AS AMENDED DO PASS

Signed: Thomas A Beck
Thomas A. Beck, Chairman

scrsb233.206

SB 233

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 2/6/89
BILL NO. SB 233

This is how it reads on the bill introduced.

SECTION 5. Section 23-4-304, MCA, is amend to read:

"23-4-304. Gross Receipts -- department's percentage -- collection and allocation. (1) the licensee shall pay to the department 1% of the gross receipts of each day's parimutuel betting at each race meet. , ~~which sums~~ The 1% of gross receipts shall be paid to the department within 5 days after receipt by the licensee. At the end of each race meet the licensee shall prepare a report to the department showing the amount of the overpayments and underpayments. If the report shows the underpayments to be in excess to the overpayments, the balance shall be paid to the department. Money paid to the department may be used for the expenses incurred in carrying out this chapter. The licensee shall, at the same time, pay to the department all sums collected under 23-4-202(4)(d) on exotic wagering on races.

This is how the Bill was introduced. (L.C.)

Amendment on next page

Ex. #1
2/6/89
SB 233

All the Boards sums are to be paid to the department with in 5 days of receipt. The Legislative Council in drafting this bill changed the wording in regards to "which sums". We feel that this section needs to be changed back to the way it was originally. This section pertains to the 1% and the 2% of exotic wagering.

AMENDMENT

Ex #1
2/6/89
SB 233

SB 233

This is how it was and should remain. Amend back to original.

SECTION 5. Section 23-4-304, MCA, is amend to read:

"23-4-304. Gross Receipts -- department's percentage -- collection and allocation. (1) the licensee shall pay to the department 1% of the gross receipts of each day's parimutuel betting at each race meet, ~~which sums. The 1% of gross receipts~~ , which sums shall be paid to the department within 5 days after receipt by the licensee. At the end of each race meet the licensee shall prepare a report to the department showing the amount of the overpayments and underpayments. If the report shows the underpayments to be in excess to the overpayments, the balance shall be paid to the department. Money paid to the department may be used for the expenses incurred in carrying out this chapter. The licensee shall, at the same time, pay to the department all sums collected under 23-4-202(4)(d) on exotic wagering on races.

Bob Noble - Ardee
Don Jacklin - Vice Pres Assc for Mule Racing Fort Fall Lewis Dale

SENATE AGRICULTURE
EXHIBIT NO. 2
DATE 2/6/85
BILL NO. SB 233

During the 18th century, George Washingtons interest in the mule began from observing scrubby specimens during the war years. A supply of good superior mules, he knew, would solve the ruinous cost of transportation for the American Farmer. He also knew the best critical elements to produce these mules was carefully controlled by Charles III, King of Spain. After learning of Washingtons concerns, King Charles III not only sent the necessary tools to start Washington in the mule business, but also his master handlers. This aspect of the business remains intact to day.

Review the history of The State of Montana. We can look to the outcome and success of Lewis and Clark, the economic adventures of the fur traders or the impact of early mining tactics on the settlements within our state. One thing remains constant, the role of the American Mule. Always there when we need him.

Mule racing at approved horse meets in the states of Idaho, Nevada, Washington and New Mexico has proven responsible for both increased attendance and wagering on horse races conducted during the same meets. Passage of this legislation S.B.-233, will increase wagering support at existing horse race meets as well as encourage out of state spending from current mule owners, trainers, and handlers now located throughout the Western United States. Furthermore, the passage of S.B.-233, will greatly increase the existing mule industry with-in the State of Montana. This legislation, it should be emphasized, is designed to supplement existing horse race meets and in no way should be viewed as something new or seperate.

We have here today an opportunity to not only commemorate the American Mule during our states 100th birthday, but also, to open the doors of opportunity for the industry as a whole.

Gary Kaeplin - Sec of Montana Horse Racing Board

SENATE AGRICULTURE
EXHIBIT NO. 3
DATE SB 233
BILL NO. 2-6-89

NAME: Bob Noble

ADDRESS: Box 5 Ovando, Montana

PHONE: 726-3676

REPRESENTING WHOM? Mule Deers

APPEARING ON WHICH PROPOSAL: SB. 233

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: see Exhibit #2

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT NO. 4

DATE 2/6/89

NAME: DON JACKLIN

BILL NO: SB233

ADDRESS: W. 5300 JACKLIN – POST FALLS ID. 83854

PHONE: 208 773 7581

REPRESENTING WHOM? AMERICAN MULE ASSN

APPEARING ON WHICH PROPOSAL: MULE BILL – 233

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: WRITTEN – AVAILABLE see Exhibit #5

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

American Mule Association

SENATE AGRICULTURE
EXHIBIT NO. 5
DATE 2/6/89
BILL NO. SB 233

WEST 5300 JACKLIN AVENUE
POST FALLS, ID 83854

(208) 773-7581

Legislators
State of Montana
c/o Montana Board of Horse Racing

Dear Legislators;

On behalf of the American Mule Association, the nationally recognized registry for mules and related activities, I respectfully present and sponsor the enclosed legislation designed to allow racing of registered mules where the parimutual system of wagering is used.

This legislation will provide both opportunity and encouragement to the public patrons of horse racing, to attend existing horse race meets for the purpose of increased attendance and wagering support. It should be emphasized that mule racing will augment existing horse race meets, as a synergistic compliment to attendance and wagering, and is not to be misinterpreted as a new, seperate, and additional gambling activity.

Mule racing at approved horse race meets in the states of Idaho, Nevada, and Washington has proven responsible for both increased attendance and subsequent wagering on horse races conducted during the same meet. Successful passage of this legislation not only will increase wagering support, but will also encourage out of state financial spending from current mule owners, trainers, and handlers now located throughout the Western United States. Additionally, the existing mule industry of Montana, will be expanded into a new and larger "activity window" for both current and future animal populations.

The enclosed legislation has been presented to the Montana Board of Horse Racing at their regularly scheduled public meeting, conducted on December 13, 1988. The board accepted the concept proposed as beneficial to Montana horse racing, and therefore provided endorsement for the legislation as submitted herein.

American Mule Association

Ex. #5
2/6/89
SB 233

WEST 5300 JACKLIN AVENUE
POST FALLS, ID 83854

(208) 773-7581

I therefore respectfully request your acceptance of this American Mule Association sponsored legislation, and ask your assistance in securing successful passage of its contents.

I can think of few better Montana Centennial recognition actions, then that of identifying one of Montanas' founding-frontier work animals into the sport of Montana racing.

Respectfully Submitted

Donald W. Jacklin

Donald W. Jacklin
American Mule Association
Executive Board

Form CS-32
Rev. 1985

STATUS SHEET

51ST LEGISLATIVE SESSION

Agriculture, Livestock and Irrigation COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SB176	2/21	3/3	3/3					3/3			
SB213	2/21	3/3	3/3					3/3			
SB222	2/21	3/3	3/3					3/3			
SB233	2/21	3/3	3/3					3/3			
SB300	2/21	3/6	3/6					3/6			
SB320	2/21	3/6	3/6					3/6			
SB28	2/22	3/8	3/8		"tabled"						
SB111	2/22	3/8	3/17							3/17	
SB357	2/22	3/8	3/8							3/8	
SB386	2/22	3/10	3/10					3/10			
SB387	2/22	3/10	3/10					3/10			
SB432	2/28	3/10	3/17							3/17	

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on March 3rd 1989, at 3:30 p.m.

ROLL CALL

Members Present: All were present

Members Excused: none

Members Absent: none

Staff Present: Ms. Connie Erickson, Legislative Council and Ms. Maureen Cleary, Committee Secretary

Announcements/Discussion: Chairman Bachini: Announced that anyone from the Agriculture Committee was welcomed to sit-in on the Appropriations Committee's hearing for Rep. Larry Grinde's bill on CRP program.

HEARING ON SENATE BILL 176

Presentation and Opening Statement by Sponsor:

SENATOR GERRY DEVLIN: Senate District #13. At the request of the Dept. of State Lands I bring before you this bill. This bill will provide a penalty for late payments on leases of land.

Testifying Proponents and Who They Represent:

Mr. John North/ Dept. of State Lands, Helena

Ms. Kim Enkerud/ MT. Assoc. of State Grazing Districts, MT. Cattle Women, MT. Stockgrowers Assoc.

Mr. Marvin Barber/ Agricultural Preservation Association, Gallatin Valley

Proponent Testimony:

Mr. North: (See Exhibit #1)

Ms. Enkerud: (See Exhibit #2)

Mr. Barber: We support this bill and feel that a penalty is a good sound business practice.

HEARING ON SENATE BILL 233

Presentation and Opening Statement by Sponsor:

SENATOR RICHARD MANNING: Senate District #18. This is an interesting bill. (See Exhibit #5)

Testifying Proponents and Who They Represent:

Mr. Bob Noble/ American Mule Association, "Busted Ass Ranch", Arlee

Mr. Ted Newman/ Great Falls Jockey Club, Great Falls

Proponent Testimony:

Mr. Noble: (See Exhibits #4 and #6)

Mr. Newman: We support this legislation and urge the Committee's adoption of it. We need to market and draw people to the track's of Montana. It helps alot of people.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KASTEN: Isn't this a bill about gambling? SEN. MANNING: It is primarily wagering. REP. KASTEN: Isn't that the main idea of this bill? SEN. MANNING: It depends on what you are wagering against. This is the Committee that this bill was assigned to.

REP. ELLISON: Doesn't this bill hurt the spotted asses? SEN. MANNING: There isn't really anyone that breeds the spotted asses in Montana.

Closing by Sponsor:

Sen. Manning: Mule racing will provide racing fans with more entertainment, attract out-of-state dollars and help the small but growing mule racing industry in the state. I won't cost the tax payers a thin dime. This is a good bill.

DISPOSITION OF SENATE BILL 233

Motion: Rep. DeMars: made the motion "do pass"

Discussion: REP. KASTEN: I just have a comment. Next it will

be dogs and then "what ever". This bill is just an expansion of racing. REP. STEPPLER: I have been involved with the fair board for the last few years. And part of the problem that you will find is lawsuits. That would be a cost to the counties and the taxpayers. REP. BACHINI: Currently, a lot of our fair's in the state are having financial difficulty. I see this as an asset to them. It is a good bill that will draw people to them and diversify the activities offered.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS THIS BILL IS "TO BE CONCURRED IN".

ADJOURNMENT

Adjournment At: 5:15 p.m.

Bob Bachini
REP. BOB BACHINI, Chairman

BB/mc

5001.min

DAILY ROLL CALL

AGRICULTURE COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 3.

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot	✓		
Rep. Linda Nelson	✓		
Rep. Bob Ream	✓		
Rep. Don Steppler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

STANDING COMMITTEE REPORT

March 3, 1989

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 233 (blue reading copy) be concurred in.

Signed: Bob Bachini
Bob Bachini, Chairman

[REP. GRADY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

American Mule Association

WEST 5300 JACKLIN AVENUE
POST FALLS, ID 83854

(208) 773-7581

Legislators
State of Montana
c/o Montana Board of Horse Racing

EXHIBIT #4
DATE 3/3/89
HB SB233

Dear Legislators;

On behalf of the American Mule Association, the nationally recognized registry for mules and related activities, I respectfully present and sponsor the enclosed legislation designed to allow racing of registered mules where the parimutual system of wagering is used.

This legislation will provide both opportunity and encouragement to the public patrons of horse racing, to attend existing horse race meets for the purpose of increased attendance and wagering support. It should be emphasized that mule racing will augment existing horse race meets, as a synergistic compliment to attendance and wagering, and is not to be misinterpreted as a new, seperate, and additional gambling activity.

Mule racing at approved horse race meets in the states of Idaho, Nevada, and Washington has proven responsible for both increased attendance and subsequent wagering on horse races conducted during the same meet. Successful passage of this legislation not only will increase wagering support, but will also encourage out of state financial spending from current mule owners, trainers, and handlers now located throughout the Western United States. Additionally, the existing mule industry of Montana, will be expanded into a new and larger "activity window" for both current and future animal populations.

The enclosed legislation has been presented to the Montana Board of Horse Racing at their regularly scheduled public meeting, conducted on December 13, 1988. The board accepted the concept proposed as beneficial to Montana horse racing, and therefore provided endorsement for the legislation as submitted herein.

American Mule Association

WEST 5300 JACKLIN AVENUE
POST FALLS, ID 83854

(208) 773-7581

I therefore respectfully request your acceptance of this American Mule Association sponsored legislation, and ask your assistance in securing successful passage of its contents.

I can think of few better Montana Centennial recognition actions, then that of identifying one of Montanas' founding-frontier work animals into the sport of Montana racing.

Respectfully Submitted

Donald W. Jacklin

Donald W. Jacklin
American Mule Association
Executive Board

Bob Noble - Ovlee
Don Jacklum - Vice Pres Assc for Mule Racing Post Falls
Coeur D Alen

During the 18th century, George Washingtons interest in the mule began from observing scrubby specimens during the war years. A supply of good superior mules, he knew, would solve the ruinous cost of transportation for the American Farmer. He also knew the best critical elements to produce these mules was carefully controlled by Charles III, King of Spain. After learning of Washingtons concerns, King Charles III not only sent the necessary tools to start Washington in the mule business, but also his master handlers. This aspect of the business remains intact to day.

Review the history of The State of Montana. We can look to the outcome and success of Lewis and Clark, the economic adventures of the fur traders or the impact of early mining tactics on the settlements within our state. One thing remains constant, the role of the American Mule. Always there when we need him.

Mule racing at approved horse meets in the states of Idaho, Nevada, Washington and New Mexico has proven responsible for both increased attendance and wagering on horse races conducted during the same meets. Passage of this legislation S.B.-233, will increase wagering support at existing horse race meets as well as encourage out of state spending from current mule owners, trainers, and handlers now located throughout the Western United States. Furthermore, the passage of S.B.-233, will greatly increase the existing mule industry with-in the State of Montana. This legislation, it should be emphasized, is designed to supplement existing horse race meets and in no way should be viewed as something new or seperate.

We have here today an opportunity to not only commemorate the American Mule during our states 100th birthday, but also, to open the doors of opportunity for the industry as a whole.

Gary Kaeplin - Sec of Montana Horse Racing Board

EXHIBIT #5
DATE 3/3/89
HB SB233.

EXHIBIT #6
DATE 3/3/89
~~HB~~ SB233

TESTIMONY

BY

BOB NOBLE

BOX 5

ARLEE, MONTANA

On behalf of the American Mule Association and the "Busted Ass Ranch" in Arlee, Montana, the nationally recognized registar for mules and related activities, I respectfully ask for your support of the legislation...S.B.-233.

This legislation, designed to allow the racing of registered mules where the parimutuel system of wagering is used, will provide both the opportunity and encouragement to the general public, to attend existing race meets. This increased support, through attendance and wagering, will augment existing horse race meets and should not be misinterpreted as a new, seperate or additional wagering activity.

Mule racing at approved horse race meets in the states of Idaho, Nevada and Washington has proven responsible for both increased attendance and subsequent wagering on horse races conducted during the same meet. Successful passage of this legislation not only will increase wagering support, but will also encourage out of state financial spending from current mule owners, trainers and handlers now located throughout the Western United States. Additionally, the existing mule industry of Montana, will be expanded into a new and larger "activity window" for both current and future animal populations.

Most recently, Playfair in the State of Washington, held their first parimutuel mule races during a special horse race meet on Memorial Day 1988. The day was cold and rainy, and generally not considered a successful day for a family outing at the track. By the end of the sixth race, the concession stands had sold the last of their ton and a half of hot dogs, and the meet was on the way to setting a horse meet record for both attendance and wagering. Was this coincidence or did the mules stimulate this interest? I like to think the mules had something to do with it.

The State of New Mexico recently passed parimutuel betting which allows betting on mules. After their first season, 1988, they now have included mule Racing on all programs including Ruidoso Downs. They feel the added interest is economically advantages to their program. Like New Mexico, Winnemucca, Nev. has also added 2-4 races per day for mules. Their feeling is the mules have been their salvation.

Its been the objective of "The Busted Ass Ranch" to not only increase the usability and awareness of the american mule, but also to improve those bloodlines and develop flat track racing prospects. Our present broodmare heritages include such names as Tonto Time, Moon Deck, Sugar Bars, Jet Deck, Pirateer, and War Bush. Until now, we have had to rely on out of state buyers, trainers and handlers for any prospective flat track parimutuel quality mules. With the passage of S.B.-233, todays owners, trainers and handlers, will be able to take advantage of existing facilities for the purpose of training, as well as, the existing horse race meets for sanctioned competitive racing.

On December 13, 1988, this legislation was presented to the Montana Board of Horse Racing at their regular scheduled public meeting. The board accepted the concept proposed as benificial to Montana Horse Racing, and provided endorsement for the legislation now known as S.B.-233.

While "The American Mule Association" presently is the duly appointed body for the identifying (tatooing) and registering of the racing mules, it is also understood that the passage of this legislation means, henceforth, all mules raced in parimutuel meets in the State of Montana, must be registered and identified according to the Montana Board of Horse Racing. It is also under-

stood, in the event of conflict, the Montana Board of Horse Racing supersedes all others.

I therefore respectfully request your support and acceptance of this legislation and ask you assistance in securing its passage. Thank-you.

ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

DATE 3/3/89. BILL NO. SB233 NUMBER

NAME	AYE	NAY
BOB BACHINI, CHAIRMAN	✓	
FRANCIS KOEHNKE, VICE CHAIRMAN	✓	
GENE DE MARS	✓	
JERRY DRISCOLL	✓	
JIM ELLIOT	✓	
LINDA NELSON	Ø	
BOB REAM	✓	
DON STEPPLER		✓
VERNON WESTLAKE	✓	
DUANE COMPTON	✓	
ORVAL ELLISON	✓	
BERT GUTHRIE	✓	
MARIAN HANSON	✓	
HARRIET HAYNE	✓	
BETTY LOU KASTEN		✓
VERNON KELLER	✓	
JOHN PATTERSON	✓	
TALLY	(14)	(2)

Maureen Cleary
~~Mary Lou Schmitz~~
Secretary

BOB BACHINI, Chairman
Chairman

MOTION: Rep. de mars

7 to be concurred

Form CS-31
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